

BILL NO. Z-87-07-11

ZONING MAP ORDINANCE NO. Z-13-88

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of Lot 5 DREYER'S SUBDIVISION as recorded in Plat
Book 9, page 61 in the Office of the Recorder of Allen
County, Indiana, of part of Sections 14 and 15,
Township 31 North, Range 12 East, in Allen County,
Indiana, in particular described as follows, to with:
Commencing at the northwest corner of said lot; thence
running east on the north line thereof as presently
defined by the center line of the public highway known
as the Ludwig Road, a distance of 249.7 feet to a point
situated 1950 feet west of the northeast corner of said
lot; thence south on a line parallel to the east line
of said lot, a distance of 279.8 feet; thence west on a
line parallel to the north line of said lot, as
hereinbefore defined, a distance of 213.3 feet to the
west line of said lot as situated coincident with the
east line of the public highway known as the Lima Road,
and as further defined by and coincident with the east
line of the former right-of-way of the Fort Wayne &
Northwestern Electric Railway; thence north along the
line aforesaid 282.2 feet to the place of beginning,
containing 1.486 Acre of land; TOGETHER with the
portion of the said Lima Road adjoining said lot and
west thereof, and east of said road center line,
containing 0.41 Acre. (Deed Record 566 page 353).

and the symbols of the City of Fort Wayne Zoning Map No.
K-38, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Brassbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Berger
BRUCE O. BERGER, CITY ATTORNEY

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Henry, and duly adopted, placed on its
passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>9</u>	_____	_____	_____
BRADBURY	<u>✓</u>	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____
SCHMIDT	<u>✓</u>	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____

DATED: 8-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) (ZONING MAP) _____ ORDINANCE RESOLUTION NO. 2-13-88
on the 23rd day of August, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 24th day of August, 1988,
at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of August,
1988, at the hour of 4:05 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee of Legislation (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana

on the _____ day of _____, 19____

at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____

19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

1171.3509

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2709

FT. WAYNE, IND., 6/23 19 87

RECEIVED FROM Hoffman & Wopner \$ 50.00

THE SUM OF Fifty 100 DOLLARS

ON ACCOUNT OF 6500 Jernan Road

League from R-1, B/B

King

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We National Oil Corporation

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-1-B District the property described as follows:

Part of Lot 5 DREYER'S SUBDIVISION as recorded in Plat Book 9, page 61 in the Office of the Recorder of Allen County, Indiana, of part of Sections 14 and 15, Township 31 North, Range 12 East, in Allen County, Indiana, in particular described as follows, to wit:

Commencing at the northwest corner of said lot; thence running east on the north line thereof as presently defined by the center line of the public highway known as the Ludwig Road, a distance of 249.7 feet to a point situated 1950 feet west of the (See Over)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 6520 Lima Road, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

National Oil Corporation

by Edward J. Moppert
Edward J. Moppert, Attorney-in-fact

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Edward J. Moppert
(Name)

1212 Anthony Wayne Bldg.
Fort Wayne, Indiana 46802
(Address & Zip Code)

(219) 423-3331
(Telephone Number)

Edward J. Moppert

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

northeast corner of said lot; thence south on a line parallel to the east line of said lot, a
distance of 279.8 feet; thence west on a line parallel to the north line of said lot, as here-
inbefore defined, a distance of 213.3 feet to the west line of said lot as situated coincident
with the east line of the public highway known as the Lima Road, and as further defined by
and coincident with the east line of the former right-of-way of the Fort Wayne & Northwestern
Electric Railway; thence north along the line aforesaid 282.2 feet to the place of beginning,
containing 1.486 Acre of land; TOGETHER with the portion of the said Lima Road adjoining said
lot and west thereof, and east of said road center line, containing 0.41 Acre. (Deed Record
566 page 353).

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

Zoning Ordinance Amendment

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE _____

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____

6520 Lima Road

2-87-07-11

EFFECT OF PASSAGE _____ Property is presently zoned R-1 - Single Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE _____ Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Bill No. Z-88-07-11

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From R-1 to B-1-B

DETAILS

Specific Location and/or Address

6520 Lima Road

Reason for Project

Expansion of existing business.

Discussion (Including relationship to other Council actions)

20 July 1987 - Public Hearing

Ed Moppert, attorney for National Oil Company, stated that this property has been operated as a service station for nearly 30 years. He stated that they intend to add an 8 foot addition to the south of the existing building for a cooler/convenience and generally change the station into a convenience station. He stated that they intend to remove the service bays and remodel the exterior and interior. He stated that they are making these changes because the service station business has changed drastically over the years. He stated that he would be more than happy to work with the staff regarding the landscaping as was suggested in the staff analysis. He stated they would also be willing to enter into a restrictive covenant agreeing to limit the use of the property to the following: Bakery Goods Store; Confectionery, Ice Cream or Candy Store; Delicatessen; Grocery Store; Meat Market; Service Station and a Tire & Accessory Store. He stated that this request does not violate the Comprehensive Plan and does meet the particular needs of

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

National Oil Company
City Department

Other

Opponents

Groups or Individuals

Paul DeWald, President of
Ludwig Park Comm Assn

Basis of Opposition

-opposed to B-1-B classification not present use

Staff Recommendation

☒ For

☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

the area.

Paul DeWald, President of the Ludwig Park Community Association stated that the Association has no objection to the addition to the National Oil Company building for a convenience store. He stated they do object to the B-1-B zoning classification. He stated that they would like to keep the R-1 zoning on the property and questioned if they could not make the addition to the structure without rezoning.

Mr. Moppert stated that the only way they can make the change to the building is through rezoning. The only way they could make a request to the BZA would be for a Use Variance and they cannot prove hardship.

Greg Purcell pointed out that in handling the restrictive covenants, the staff asked that the restrictive covenant be between the owner and the neighborhood association or the area residents. in order that the residents have the authority to file suit in civil court if there is a violation of the covenant.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

27 July 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing a landscape buffer along the east lot line, plan is to be approved by the CD&P landscape staff. Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

NOTE: This ordinance has been held pending the submittal of and approval by CD&P landscape staff of the landscape plan. This plan was approved on July 18, 1988.

Project Start

Date 19 June 1987

Projected Completion or Occupancy

Date 25 July 1988

Fact Sheet Prepared by

Date 25 July 1988

Patricia Biancaniello
Reviewed by

Date

7/29/88

Reference or Case Number

Hold.
8-16-

BILL NO. Z-87-07-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
City of Fort Wayne Zoning Map No. K-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

YES

NO

Janet G. Bradbury
Mark E. GiaQuinta
Charles B. Redd
David C. Long
Paul M. Burns

JANET G. BRADBURY
CHAIRPERSON
MARK E. GIAQUINTA
VICE CHAIRMAN
CHARLES B. REDD
DAVID C. LONG
PAUL M. BURNS

CONCURRED IN

8-23-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-87-07-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1987.

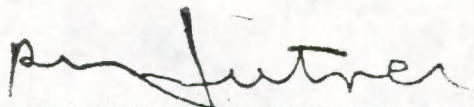
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1987.

Certified and signed this
25th day of July 1988.



Robert Hutner
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-1-B DISTRICT.

COUNCILMANIC DISTRICT NO. 3

